

1937

c 39 Forestry Act

Ontario

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CHAPTER 39.

The Forestry Act.

Inter-
pretation.

1. In this Act,—

(a) "Minister" shall mean Minister of Lands and "Minister,"
Forests;

(b) "Lands" shall include lands covered with water; all "Lands."
trees and underwood growing upon land; all mines,
minerals, gas, oil, salt, quarries and fossils in and
under land; the interest in land of a tenant or
occupant, and the interest of a holder of any lease,
license, concession, or contract under which there
has been acquired from the Crown any right to be
exercised in respect of or over or upon land, and
all buildings, improvements, structures and fixtures
in or on land. R.S.O. 1927, c. 41, s. 1.

2. The Minister may for and in the name of His Majesty Power
lease, purchase or acquire, and, subject as hereinafter men- to acquire
tioned, may without the consent of the owner thereof enter lands for
upon, take and expropriate any land in Ontario which forestry
the Minister may deem necessary for forestry purposes and may purposes.
lease, sell or otherwise dispose of the interest of the Province
in any land thus leased, purchased, acquired or expropriated,
or the timber thereon, and for the purposes of this section the
Minister shall have and may exercise the like powers and shall
proceed in manner provided by *The Public Works Act* where Rev. Stat.,
the Minister of Public Works takes land or property for the c. 54.
use of Ontario and the provisions of that Act shall *mutatis*
mutandis apply. R.S.O. 1927, c. 41, s. 2.

3. Lands acquired under the provisions of this Act shall be Adminis-
under the control and management of the Minister who may tration and
develop, protect, care for, and manage such lands and may manage-
sell and dispose of any timber which in the opinion of the ment.
Minister for any reason should be disposed of. R.S.O. 1927,
c. 41, s. 3.

4. For the purposes of reforestation, developing and manag- Agreements
ing for forestry purposes lands held by other persons, firms, as to forestry
corporations or municipal corporations, the Minister may develop-
ment on
private
lands.

enter into agreements for such purposes with any such persons, firms, corporations or municipal corporations. R.S.O. 1927, c. 41, s. 4.

Disposing
of Crown
lands for
forestry
purposes.

5. For forestry purposes the Minister may lease, sell or otherwise dispose of Crown lands and may enter into agreements with reference thereto. R.S.O. 1927, c. 41, s. 5.

Employees.

6. For the purpose of carrying out the provisions of this Act the Minister may employ such persons as he may deem necessary, and they shall be subject to the instructions of the Minister. R.S.O. 1927, c. 41, s. 6.

Appropriation
of funds.

7. All moneys required for the purposes of this Act shall be paid out of any sum appropriated by the Legislature and voted by the Assembly for that purpose. R.S.O. 1927, c. 41, s. 7.

Taking
townships
out of
unions.

Rev. Stat.,
c. 266.

8. Notwithstanding anything contained in *The Municipal Act*, when a township forming part of a union of townships has less than twenty-five resident freeholders whose names are entered on the last revised assessment roll, the Lieutenant-Governor in Council may, for forestry purposes, by proclamation, detach such township from such union of townships, upon such terms as may seem proper, and thereupon such township so detached shall cease to be incorporated and shall not thereafter without the approval of the Lieutenant-Governor in Council, become, be annexed to, or form part of a municipal corporation, and the said order-in-council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said order-in-council. R.S.O. 1927, c. 41, s. 8.

Declaring
incorporated
townships
part of
provincial
forest.

Rev. Stat.,
c. 266.

9. Notwithstanding anything contained in *The Municipal Act*, where any township has an area of less than ten per centum of such township used for farming purposes the Lieutenant-Governor in Council may for forestry purposes, by proclamation, declare that the township or such part of the said township as may be designated by the said order-in-council shall form part of a provincial forest, or be otherwise used for forestry purposes, upon such terms as may be set out in the said order-in-council, and for municipal or administrative purposes any balance of the said township may be attached to any adjoining township, and the said order-in-council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said order-in-council. R.S.O. 1927, c. 41, s. 9.

10. For the purpose of making a survey and estimating the timber and other natural resources of the Province, and the adaptability of land for forestry purposes, the Minister may himself or by any officer or person appointed by him for that purpose, and without the consent of the owner, from time to time, enter into and upon any land to whomsoever belonging, and there investigate and examine the condition of such land for the purposes provided for and intended by this Act. R.S.O. 1927, c. 41, s. 10.

Right of entry for estimating natural resources of land.

11. Whenever any townships, township, or part of a township have been taken over by the Minister for forestry purposes the Lieutenant-Governor in Council may upon the recommendation of the Minister declare that all the roads, reserves, allowances for roads, or other public lands in such area shall be closed to the public upon such terms and conditions as may seem proper. R.S.O. 1927, c. 41, s. 11.

Power to close roads on lands taken over for forestry.

12. Upon the recommendation of the Minister the Lieutenant-Governor in Council may, by proclamation, provide that any township or portion of a township in Ontario suitable for settlement purposes, may be set aside for the purpose of location of settlers whom the Minister may desire to move from locations that have been found to be unsuitable for agricultural purposes, and which it is desired to take over for forestry purposes, and the terms and conditions of location upon such lands may be fixed and determined by the said Order-in-Council. R.S.O. 1927, c. 41, s. 12.

Setting apart lands for settlement of settlers removing from unsuitable lands.

13. Whenever in the opinion of the Minister it is found that settlement has taken place on lands not suitable for agricultural purposes and which said lands are required for forestry purposes, the Minister shall have power to make arrangements for the removal of such settlers upon such terms as may be agreed upon, and may pay the expenses of the removal of such settlers and their families, chattels and effects to lands designated under section 12 and may enter into agreements with such settlers for the purposes of providing for such removal and for the reconveyance or release of the said lands to the Crown. R.S.O. 1927, c. 41, s. 13.

Removal of settlers from lands unsuitable for farming.

14. Whenever in the opinion of the Minister any lands required under this Act, or otherwise, are suitable for the creation of a provincial forest, the Lieutenant-Governor in Council may, by proclamation, set apart such lands as a provincial forest under *The Provincial Forests Act*, notwithstanding the fact that such lands may be valuable or used for the preservation or reproduction of timber other than pine. R.S.O. 1927, c. 41, s. 14.

Provincial forest, proclamation of.

Rev. Stat., c. 38.

Requiring
permit for
entering
Provincial
Forest.

15. Upon the recommendation of the Minister the Lieutenant-Governor in Council may, by proclamation, provide that no person shall enter upon any lands acquired under this Act or lands forming a part of any provincial forest without a permit obtained for that purpose and upon such terms and conditions as may be proper and necessary, and subject to such penalties for a breach of the terms and conditions as may be provided for by the order-in-council. R.S.O. 1927, c. 41, s. 15.

"Forestry
Board,"
establish-
ment of.

16. Upon the recommendation of the Minister the Lieutenant-Governor in Council may, by proclamation, create a board to be known as the "Forestry Board," consisting of five members to be appointed in such manner and for such terms as may be provided for by the Order-in-Council, for the purpose of carrying on research work in connection with the forestry lands of the Province of Ontario, and to study all questions in connection with the planting, growth, development, marketing and reproduction of pulpwoods on the said Crown lands and on the lands of Crown lessees, licensees and concessionaires in the Province of Ontario, and with such further or other powers as may be designated by the said Order-in-Council. R.S.O. 1927, c. 41, s. 16.

Regulations.

17. Upon the recommendation of the Minister, the Lieutenant-Governor in Council may make such regulations as he may deem necessary to carry out the provisions of this Act. R.S.O. 1927, c. 41, s. 17.
